

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ERIC JOHNSON, also known as Debah J. Smith,

Plaintiff,

v.

**9:08-CV-158
(FJS/DRH)**

AYSHIA ENU, Physician, Hudson Correctional Facility; PETER BOGARSKI; REUTENEAUR, Jane Doe; MCCOY, John Doe; H.M. MILES; JOYCE DUKE; WOLFF, John Doe; ROTHER, Jane Doe; GEORGE, John Doe; TESTO, John Doe; PETER BEHRLE; M. GRAZIANO; MICHAEL AMBROSINO; PHILIP HEATH; T. MAHAR, Senior Correction Counselor, Greene Correctional Facility; T. GAINES; CAULFIELD, John Doe; JOHN DOE 1; JOHN DOE 2; KAREN MEICHT, Nurse, Hudson Correctional Facility; WINNIE, Lieutenant, Hudson Correctional Facility; and COFFEY, John Doe,

Defendants.

APPEARANCES

OF COUNSEL

**ERIC JOHNSON also known
as Debah J. Smith**
Brooklyn, New York 11213
Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**
The Capitol
Albany, New York 12224
Attorneys for Defendants

DEAN J. HIGGINS, AAG

SCULLIN, Senior Judge

ORDER

Plaintiff commenced this action pursuant to 42 U.S.C. § 1983, 1985, alleging that Defendants violated his constitutional rights. *See* Dkt. No. 64, Amended Complaint. On November 12, 2010, Defendants filed a motion for summary judgment. *See* Dkt. No. 119. Plaintiff did not file any papers in opposition to that motion. In a Report-Recommendation and Order dated July 13, 2011, Magistrate Judge Homer recommended that the Court grant Defendants' motion for summary judgment in its entirety and enter judgment in favor of Defendants on all claims. *See* Dkt. No. 121 at 35. Plaintiff did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Homer's July 13, 2011 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Homer's July 13, 2011 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Defendants' motion for summary judgment is **GRANTED in its entirety**; and the Court further

ORDERS that Plaintiff's federal claims are **DISMISSED with prejudice**; and the Court further

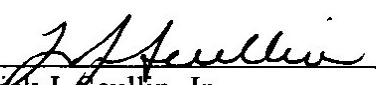
ORDERS that Plaintiff's state-law claims are **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1367; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: August 5, 2011
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge